In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.4787 of 2004.

Date of decision:4.12.2006.

Amar Singh.

...Appellant.

Versus

Punjab State and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Iqbal Singh Bajwa Advocate for the appellant.

...

Judgment.

S. N. Aggarwal, J.

Amar Singh appellant has purchased 8 Kanals 16 Marlas of land in public auction conducted on 18.12.1967 for a total amount of Rs.8,000/- from the respondent. He had deposited a sum of Rs.4,000/- as earnest money. The remaining amount was payable in instalments. He was given possession of 68 Kanals 16 Marlas of land vide sale certificate dated 3.7.1979. He filed the civil suit for possession of 16 Kanals of land.

The said suit was dismissed by the learned trial Court vide judgment and decree dated 13.12.2002.

The appellant filed an appeal. The appeal was also dismissed by the learned Lower Appellate Court vide judgment and decree dated 26.7.2004.

Hence, the present appeal.

It was submitted that the appellant is entitled to 16 Kanals of land for which possession was not delivered to the appellant. Admittedly, the appellant had purchased 84 Kanals 16 Marlas of land but possession of only 68 Kanals 16 Marlas was given to him and, therefore, he is entitled to 16 Kanals of land.

This submission has been considered. It is not disputed by the appellant that he purchased the property and the possession of 68 Kanals 16 Marlas of land was given to him vide sale certificate dated 3.7.1979. The present suit for recovery of possession was filed by him on 20.9.1997 i.e. after about 18 years when the sale certificate was issued in favour of the appellant for 68 Kanals 16 Marlas of land and about 30 years after the auction had taken place. The suit filed by the appellant is barred by law of limitation.

Both the Courts below have dismissed the suit by recording concurrent findings of fact. The concurrent findings of fact recorded by the Courts below are up-held.

No substantial question of law arises in this appeal.

There is no merit in this appeal and the same is dismissed.

4.12.2006. (S. N. Aggarwal)
Jaggi Judge